

FILED**UNITED STATES DISTRICT COURT**

for the

District of New Mexico

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

United States of America

v.

Case No. 21-MJ-784

ASIEL CHRISTIAN NORTON
[Year of Birth: 1978]*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 4, 2021 in the county of Bernalillo in the
District of NEW MEXICO, the defendant(s) violated:*Code Section**Offense Description*

Title 49 USC § 46504

Interference with flight crew members and attendants

This criminal complaint is based on these facts:

Please see Affidavit attached hereto and herin incorporated by reference, which is continued on the attached sheet and made part herof.

☒ Continued on the attached sheet.*Complainant's signature*

Aaron Carp, Special Agent

Printed name and title

Sworn to before me by telephone or other reliable electronic means.

Date: 06/05/2021*Judge's signature*City and state: Albuquerque, New Mexico

Laura Fashing, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ASIEL CHRISTIAN NORTON,

Defendant.

Case No. _____

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, Aaron Carp, having been duly sworn, do hereby depose and say:

INTRODUCTION

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed in that capacity for over 15 years. I am currently assigned to the Guardian and Threat Response Squad within the Albuquerque Field Office. My responsibilities include investigating threats to life and other matters that require immediate attention, such as kidnappings, online threats, and crimes involving children. I also have investigative responsibility for crimes committed onboard commercial air aircraft. Previously, I was assigned investigative matters related to Indian Country and other violent crimes. Based upon my training and experience, I am familiar with the types of criminal activity perpetrated by criminals, to include acts of violence. I have further gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state, tribal, and federal law enforcement

agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. This affidavit is based upon my personal knowledge, and upon information reported to me by other law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. The law enforcement officers are those who have directly participated in this investigation, and with whom your affiant has had contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating victims and witnesses, whose reliability is established separately herein.

3. Based on my training, experience, and the facts as set forth in this affidavit, I believe there is probable cause that a violation of United States Code Title 49 §§ 46501 and 46504 – Interference with Flight Crew Members and Attendants – was committed by ASIEL CHRISTIAN NORTON (YOB 1978), on June 4, 2021, within the District of New Mexico and while aboard Delta Flight 386, an aircraft within special aircraft jurisdiction of the United States. Specifically, NORTON did unlawfully and knowingly assault and intimidate Flight Attendant 1, a flight crew member, and did thereby interfere and attempt to interfere with the performance of the duties of Flight Attendant 1 and, in so doing, did lessen and attempt to lessen the ability of Flight Attendant 1 to perform those duties.

4. Because this affidavit is submitted for the limited purpose of establishing probable cause that an offense has been committed, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested criminal complaint.

RELEVANT STATUTES

5. This investigation concerns alleged violations of Title 49 United States Code §§ 46501 and 46504, that being Interference with Flight Crew Members and Attendants. Section 46504 provides that "An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act" shall be in violation of the statute.

PROBABLE CAUSE

6. As set forth below, there is probable cause to believe that ASIEL CHRISTIAN NORTON, on an aircraft in the special aircraft jurisdiction of the United States, committed the federal offense of interfering with flight crew members and attendants [49 U.S.C. § 46504]. Specifically, as detailed below, there is probable cause to believe that NORTON committed this offense against Flight Attendant 1 [hereinafter FA1]. On June 4, 2021, while onboard Delta Flight 386, NORTON intimidated, assaulted, and interfered with FA1 after attempting to breach the flight deck.

BACKGROUND

7. On June 4, 2021, ASIEL CHRISTIAN NORTON was a passenger aboard Delta Flight 386, a civil aircraft which originated from Los Angeles, California and destined to Nashville, Tennessee. After takeoff, while in flight, NORTON rushed to the front of the aircraft and began pounding on the door leading to the flight deck (where the pilots operating the aircraft are located). FA1 attempted to intervene. In response, NORTON pushed FA1 and attempted to

pound on the flight deck door while yelling: “We need to land this plane!” Flight Attendants and passengers subdued NORTON and carried NORTON to the rear of the aircraft. Delta Flight 386 was then diverted to Albuquerque, New Mexico as a result of this incident.

INVESTIGATIVE STEPS

8. On June 4, 2021, Special Agents – to include your Affiant – of the FBI and Officers of the Albuquerque Police Department responded to Albuquerque International Sunport, Gate B10, due to reports of an unruly passenger onboard who attempted to breach the flight deck of, Delta Flight 386.

9. In an interview with the FBI, FA1 provided the following:

a. After takeoff, while in flight, Flight Attendants conducted their first drink service and trash pickup. Shortly after trash pickup, NORTON rushed to the front of the aircraft and began pounding on the door leading to the flight deck (where the pilots operating the aircraft are located). FA1, who worked in the forward galley of the aircraft, attempted to intervene and usher NORTON back to his assigned seat. In response, NORTON used the open palms of his hands to push FA1, making contact with FA1’s torso with enough force to move him and then attempted to pound on the flight deck door. NORTON repeatedly yelled “We need to land this plane!”

b. FA1 grabbed NORTON’s wrist and attempted to pin him on the ground. Other passengers rushed to help FA1.

c. FA1 called to flight deck and stated “breach of flight deck,” followed by making an overhead announcement to other Flight Attendants for “tough cuffs.”

d. NORTON continued to resist against Flight Attendants and passengers who subdued him. NORTON was finally subdued and carried to the rear of the aircraft.

e. FA1 did not recall NORTON saying anything other than “We need to land this plane!” NORTON did not appear to be intoxicated. FA1 checked with other Flight Attendants and found that NORTON was not served alcoholic beverages while onboard Delta Flight 386.

f. FA1 felt threatened by NORTON’s actions.

10. Your Affiant observed the behavior of FA1 upon arrival to Gate B10 and during the interview. FA1 appeared to be visibly shaken by the incident. FA1 asked your Affiant for a place to sit down as a result of the anxiety generated from the interaction with NORTON.

11. In an interview with the FBI on June 4, 2021, Witness 1 provided the following information:

a. Witness 1 sat in the first row of seats in the aircraft. Witness 1 was focused on a computer during the flight until looking up and seeing two men engaged in what initially appeared to be “clowning around.” Witness 1 realized that a Flight Attendant was struggling with a tall passenger [NORTON]. Witness 1 immediately responded by assisting the Flight Attendant in subduing the passenger. Witness 1 held the passenger’s wrists while trying to use a belt to restrain the hands. The passenger continued to resist, even while other passengers assisted in subduing the passenger [NORTON].

b. The passenger repeatedly stated: “gotta get this plane down!”

12. NORTON’s assaulting, intimidating, and interfering with FA1, as described above, interfered with the performance of FA1’s duties and lessened the ability of FA1 to carry out those duties.

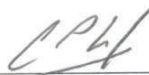
CONCLUSION

13. Based on the information set forth above, I submit there is probable cause to believe that ASIEL CHRISTIAN NORTON committed the federal offense of interfering with flight crew members and attendants in violation of Title 49 U.S.C. §§ 46501 and 46504, by intimidating, assaulting, and interfering with flight crew member FA1 and causing the pilot to divert the aircraft from the intended destination of Nashville, Tennessee to Albuquerque, New Mexico.

14. Assistant United States Attorney Jack Burkhead has reviewed and approved this application.

15. I swear that this information is true and correct to the best of my knowledge.

Respectfully submitted,



Special Agent Aaron Carp
Federal Bureau of Investigation

SUBSCRIBED and SWORN telephonically
And signed electronically this 5th day of June, 2021.



The Honorable Laura Fashing
United States Magistrate Judge